

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 15TH MARCH 2007 / 24TH PHALGUNA 1928

WP(C).No. 7169 of 2005(C)

PETITIONER:

C.K.THAMPI, KULATHUPARAMBU,
MALAM POST, KOTTAYAM.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS:

1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.
2. THE SECRETARY,
THE KOTTAYAM CO-OPERATIVE AGRICULTURAL AND RURAL
DEVELOPMENT BANK LTD. NO.48, POST BOX NO.198,
KOTTAYAM.
3. THE SPECIAL SALE OFFICER,
THE KOTTAYAM CO-OPERATIVE AGRICULTURAL AND RURAL
DEVELOPMENT BANK LTD. NO.K.48, POST BOX NO.198,
KOTTAYAM.

R1 BY SR.GOV'T.PLEADER SRI.P.K.RAVIKRISHNAN.

R2 & R3 BY ADV. SRI.T.R.HARIKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX (WP(C) NO.7169 OF 2005)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the passbook.

Ext.P2: Copy of the notice dtd.9.12.2004 received from R3.

Ext.P3: Copy of the discharge card issued from the Medical College Hospital at Kottayam.

Ext.P4: Copy of the discharge card issued from the Medical College Hospital at Kottayam.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

WP(C) NO. 7169 OF 2005

Dated this the 15th day of March, 2007

J U D G M E N T

Petitioner is a defaulter in repayment of the loan amount due to the second respondent- Bank. Therefore, respondents 2 and 3 have initiated proceedings by Ext.P2 notice for sale of 32 ½ cents of property with a residential building thereon belonging to the petitioner for realisation of the amounts due. Ext.P2 is under challenge in this writ petition. At the time of admission on 2.3.2005, this Court had passed the following interim order.

"Urgent Notice. There will be an interim direction not to proceed with the sale of the property, if not already sold. However, in case the property is sold, confirmation will stand stayed. There will be a further direction that in case the petitioner approaches the Bank with an application for claiming one-time settlement and remits 10% of the outstanding dues as on today within two weeks, such application shall be considered on merits and communicate the order to the petitioner."

The petitioner is not able to categorically tell me whether he has paid 10% of the outstanding dues as directed in the above

order.

2. Counsel for the second respondent is also not in a position to confirm or deny the same.

3. In the above circumstances, the writ petition is disposed of with the following directions.

If the petitioner has paid 10% of outstanding dues as directed in the order dated 2.3.2005, the second respondent shall consider the application of the petitioner for one time settlement and communicate the orders thereon to the petitioner within one month from the date of receipt of the application filed by the petitioner. On receipt of the same, the petitioner shall pay the amounts due in ten equal monthly instalments starting from 2nd May, 2007. All subsequent instalments shall be paid on the second of every succeeding month. If the petitioner has not already paid 10% of the outstanding dues as directed in the order dated 2.3.2005, this writ petition would stand dismissed and he would not be entitled to the benefit of the above directions. If the petitioner has paid 10% of the outstanding dues and also complies with the direction to pay the amounts due in

instalments as above, further coercive proceedings would be kept in abeyance. If he commits default in compliance of any of the directions as above, it would be open to respondents 2 and 3 to continue proceedings now initiated without having to issue any fresh notice or proceedings in that regard.

**S. SIRI JAGAN,
Judge**

Mbs/

WP(C) NO. 7169 OF 2005

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K.THANKAPPAN, J

Crl.Appeal NO. OF 2001

J U D G M E N T

DATED:13-02-2007

WP(C) NO. 7169 OF 2005

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